

REMARKS

The Official Action dated December 20, 2000, has been carefully considered. Accordingly, the changes and remarks presented herewith are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1, 11, 12 and 14 have been amended for matters of form and claim 5 has been amended to relate to selected embodiments of the invention in accordance with page 5, lines 6-7 of the specification. Attached hereto is "**Version with markings to show changes made,**" showing the changes made to the claims by the current amendment. It is believed that these changes do not involve any introduction of new matter and do not raise any new issues after final rejection, whereby entry is believed to be in order and is respectfully requested.

Claim 4 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the basis that claim 4 contradicts claim 1 from which it depends.

This rejection is traversed. More specifically, claim 1 recites limitations regarding the density relationships between the raised fibrous regions and the base surface. Claim 4 properly recites additional limitations regarding the basis weight of the raised fibrous regions in relation to the basis weight of the base surface. Applicants direct the Examiner's attention to page 4, lines 24-27 of the present application, which discloses that basis weight and density are separately defined terms. Basis weight is the weight per unit area while density is the weight per unit volume. Thus, claim 4 properly recites additional limitations which do not contradict claim 1. Therefore, claim 4 is definite and the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Reconsideration is respectfully requested.

Claims 1-5, 11 and 12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent EP 0 750 063 A1 (hereinafter referred to as "Moore et al"). The Examiner asserted that Moore et al disclose a non-woven, fibrous substrate that is formed using a

hydroentangling process, and a wet wipe comprising a substrate and a cleaning liquid which is carried by the substrate.

However, as will be set forth in detail below, it is submitted that the personal cleansing wipe articles as defined by claims 1-5, 11 and 12 are not anticipated by Moore et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 1, the present invention is directed to a personal cleansing wipe article comprising a single layer, nonwoven substrate formed from hydroentangled fibers, and an aqueous liquid cleansing composition. The substrate has on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein the raised fibrous regions have a density which is substantially the same as the density of the base surface, and wherein the raised fibrous regions are joined to the base surface by a fibrous transition region. The aqueous liquid cleansing composition comprises an effective amount of a cleansing surfactant and is coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate.

Additionally, as defined by claim 11, the present invention is directed to a personal cleansing wipe article comprising a single layer, nonembossed, nonwoven substrate formed from hydroentangled fibers, and an aqueous liquid cleansing composition. The substrate has on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein the raised fibers regions are joined to the base surface by a fibrous transition region. The aqueous liquid cleansing composition comprises an effective amount of a cleansing surfactant and is coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate.

Finally, as defined by claim 12, the present invention also recites a personal cleansing wipe article comprising a single layer, nonwoven substrate formed from hydroentangled fibers,

and an aqueous liquid cleansing composition. The substrate has on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein the raised fibrous regions are joined to the base surface by a fibrous transition region. The aqueous liquid cleansing composition comprises an effective amount of a cleansing surfactant and is coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate; wherein the three-dimensional pattern is formed as the fibers are being entangled.

Applicants, however, find no teaching by Moore et al of the personal cleansing wipe articles as defined by claims 1-5, 11 and 12. That is, Moore et al disclose a nonwoven fibrous substrate, wherein the substrate has a major surface for rubbing on a surface to be cleaned and a low strength in at least one direction. The Moore et al substrate comprises at least a proportion of long fibers which are capable of protruding from the major surface as a result of rubbing, while remaining attached to the substrate. Moore et al also disclose a wet wipe comprising the substrate and a cleaning liquid in an aqueous or oily continuous phase.

The personal cleansing wipe articles of the present invention, as defined by claims 1, 11 and 12, require a single layer, nonwoven substrate having a base surface with a three-dimensional pattern on a substantial portion thereof, which pattern comprises a plurality of discrete, raised fibrous regions. According to claim 1, the raised fibrous regions have a density which is substantially the same as the density of the base surface. According to claim 11, the substrate is nonembossed. According to claim 12, the three-dimensional pattern is formed as the fibers are being entangled. In contrast, Moore et al disclose a substrate which, after rubbing of the substrate on a surface, has fibers protruding from the surface. Applicants find no teaching or suggestion by Moore et al of a substrate of hydroentangled fibers and having a three-dimensional pattern on a substantial portion of the base surface, particularly wherein the pattern comprises

a plurality of discrete raised fibrous regions joined to the base surface by a fibrous transition region. One skilled in the art will appreciate the significant difference between protruding individual fibers as provided in the substrate of Moore et al and the discrete raised fibrous regions as employed in the three-dimensional pattern in the presently claimed wipes.

Moreover, Applicants find no teaching by Moore et al regarding an amount of cleansing liquid that could be applied to their substrate, whereas the present claims require an aqueous liquid cleansing composition as coated or impregnated on the substrate in an amount of from about 100% to about 400% to form the personal cleansing wipe article.

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single prior art reference of each element of the claims under consideration. *Alco Standard Corp. v. TVA*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). In view of the failure of Moore et al to teach a personal cleansing wipe article comprising a combination of a single layer, nonwoven substrate having on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein the raised fibrous regions are joined to the base surface by a fibrous transition region; and an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant and being coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate as defined in claims 1, 11 and 12, Moore et al do not disclose each element of the claims under consideration, and therefore, do not anticipate the personal cleansing wipe articles of claims 1, 11 and 12 under 35 U.S.C. § 102. It is therefore submitted that the rejection of claims 1, 11 and 12, and claims 2-5 dependent on claim 1, under 35 U.S.C. § 102 based on Moore et al is overcome. Reconsideration is respectfully requested.

Claims 6-10 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore et al as applied to claims 1-5, 11 and 12, and further in view of U.S. Patent 5,648,083

(hereinafter referred to as "Blieszner et al") and U.S. Patent 5,141,803 (hereinafter referred to as "Pregozen"). The Examiner asserted that Moore et al disclose a substrate and a wet wipe comprising the substrate and a cleansing liquid, but that Moore et al fail to teach the use of an acid, moisturizing agent, an antimicrobial active and a drying agent in the cleansing composition. The Examiner asserted that Blieszner et al broadly disclose the use of an emulsifier and additional components such as water-soluble polyols, pH-adjusting agents, antimicrobial agents and chelating agents, and that Pregozen discloses specific concentration levels for various compositional components such as skin moisturizers and humectants, skin softeners and emollients, surfactants, citric acid and biocides.

However, as will be set forth in detail below, it is submitted that the personal cleansing wipe articles as defined by claims 6-10 and 14 are non-obvious over and patentably distinguishable from Moore et al in view of Blieszner et al and Pregozen. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

The deficiencies of Moore et al with respect to the personal cleansing wipe article of claim 1, on which claims 6-10 depend, are discussed above. The deficiencies of Moore et al with respect to claim 1 are not resolved by Blieszner et al and/or Pregozen. Moreover, Moore et al in combination with Blieszner et al and Pregozen do not render the limitations of claims 6-10 obvious. First, Applicants find no teaching or suggestion by these references relating to a personal cleansing wipe article comprising a single layer, nonwoven substrate formed from hydroentangled fibers and having on a substantial portion of a base surface thereof a three-dimensional pattern which comprises a plurality of discrete, raised fibrous regions, particularly wherein the raised fibrous regions have a density which is substantially the same as the density of the base surface and are joined to the base surface by a fibrous transition region, as required by claim 1, on which claims 6-10 depend. Applicants similarly find no teaching or suggestion

relating to such a substrate in combination with an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant and being coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate, as also required by claim 1. Rather, Moore et al employs a substrate in which individual fibers protrude from the surface of the substrate, and Blieszner et al and Pegozen only broadly disclose wipe substrates in combination with various compositions, but provide no teaching or suggestion relating to substrates as employed in the personal cleansing wipe article of present claims 1 and 6-10.

It is well settled that to support a rejection under 35 U.S.C. § 103, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). At most, Moore et al in combination with Blieszner et al and Pegozen disclose nonwoven substrates coated with aqueous liquid compositions. This combination of references does not result in the personal cleansing wipe articles of claims 6-10 which require a single layer, nonwoven substrate formed from hydroentangled fibers and having on a substantial portion of a base surface thereof a three-dimensional pattern which comprises a plurality of discrete, raised fibrous regions, particularly wherein the raised fibrous regions have a density which is substantially the same as the density of the base surface, and wherein the raised fibrous regions are joined to the base surface by a fibrous transition region.

Additionally, Moore et al in combination with Blieszner et al and Pegozen do not teach or suggest the combinations of aqueous liquid cleansing composition elements set forth in claims 6-10. Claims 6-10 recite specific limitations with respect to the aqueous cleansing composition that is coated or impregnated into the substrate as set forth in claim 1. Particularly, claim 6 requires that the aqueous cleansing composition comprises from about 0.5% to about 12.5% of

a surfactant and from about 0.5% to about 5% of a lipophilic skin moisturizing agent. According to claim 7, the wipe article of claim 6 further comprises from about 1% to about 60% of a drying agent, while according to claim 8 the drying agent is isoparaffin. Claim 9 recites the aqueous cleansing composition as comprising from about 0.5% to about 12.5% surfactant, from about 0.1% to about 10% acid, and from about 0.5% to about 5% of a lipophilic skin moisturizing agent. Finally, claim 10 recites the wipe article of claim 9 further comprises from about 0.001 to about 5% of antimicrobial active.

The composition requirements recited in claims 6-10 are not rendered obvious by Moore et al, Blieszner et al and Pegozen. Blieszner et al broadly disclose the use of certain ingredients such as moisteners, humectants and emollients, and powders, but do not sufficiently teach or suggest the presently claimed compositions as a whole. Similarly, Pegozen does not teach or suggest the specific combination of components and amounts required by claims 6-10, respectively. The Examiner cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention; rather, the Examiner has the burden to show some teaching or suggestion in the references to support their use in the particular claimed combination. *Smithkline Diagnostics Inc. v. Helena Laboratories Corp.*, 8 U.S.P.Q.2d 1468, 1475 (Fed. Cir. 1988); *Symbol Technologies, Inc. v. Opticon*, 19 U.S.P.Q.2d 1241, 1246 (Fed. Cir. 1991). Moreover, the teaching or suggestion to combine references may not be assumed merely by the fact that references relate to the same general art. *In re Geiger*, 2 USPQ 1276, 1278 (Fed. Cir. 1987); *Smithkline Diagnostics, Inc. v. Helena Laboratories, supra*. The Examiner is attempting to pick and choose elements from Moore et al, Blieszner and Pegozen in the absence of any motivation to combine the teachings of the references. Thus, the Examiner has not met the requisite burden.

It is therefore submitted that the personal cleansing wipe article as defined in claims 6-10 are non-obvious over and patentably distinguishable from Moore et al in combination with Blieszner et al and Pregozen and the rejection of claims 6-10 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

In addition, Moore et al in combination with Blieszner et al and Pregozen fail to teach or suggest the present invention as defined in claim 14. Claim 14 recites a personal cleansing wipe article comprising a nonwoven substrate and an aqueous liquid cleansing composition. The composition comprises from about 0.5% to about 12.5% by weight of a cleansing surfactant; from about 0.1% to about 30% of a lipophilic skin moisturizing agent; and from about 1% to about 60% of a drying agent which comprises isoparaffin. The aqueous liquid cleansing composition is coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate.

Applicants find no teaching or suggestion by Blieszner et al and Pregozen relating to compositions comprising a cleansing surfactant, a lipophilic skin moisturizing agent and a drying agent comprising isoparaffin, particularly in the ranges required by claim 14. In fact, Applicants find no teaching in either reference of compositions comprising a drying agent, specifically isoparaffin. Thus, the aqueous liquid cleansing compositions recited in claim 14 are not rendered obvious by the compositions of Blieszner et al and/or Pregozen. In view of the failure of Moore et al, Blieszner et al and Pregozen to teach or suggest the combination of aqueous liquid cleansing composition components and ranges thereof required by claim 14, these references do not place the invention of claim 14 in the possession of the public and therefore do not support a rejection of claim 14 under 35 U.S.C. § 103. *In re Payne, supra.*

It is therefore submitted that the personal cleansing wipe articles as defined by claim 14 are non-obvious over and patentably distinguishable from Moore et al in view of Blieszner et al

and Pregozen, whereby the rejection of claim 14 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pregozen in view of U.S. Patent 5,670,234 (hereinafter referred to as "Suehr et al"). The Examiner asserted that Pregozen discloses the manufacture of nonwoven materials into a substrate using hydroentanglement, and, in addition, asserted that Pregozen discloses the loading of an aqueous composition to the nonwoven substrate. The Examiner acknowledges that Pregozen fails to disclose the use of an essentially planar background surface and relies on Suehr et al to teach the use of a support member comprising a plate having a plurality of openings extending through the plate.

However, as will be set forth in detail below, it is submitted that the process for preparing personal cleansing wipe articles as defined by claim 13 is non-obvious over and patentably distinguishable from Pregozen in combination with Suehr et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Claim 13 is directed to processes for preparing a personal cleansing wipe article. The processes comprise (1) placing a web of fibers on a foraminous forming plate or topographical support member comprising an essentially planar background surface with at least one recessed region significantly displaced from the background surface of the forming plate; (2) applying fluid force to the upper surface of the fibrous web such that the fibers become entangled and a patterned substrate is formed; (3) transporting the fluid away from the patterned substrate; and (4) coating or impregnating the patterned substrate with an aqueous cleansing composition comprising an effective amount of a cleansing surfactant to the extent of from about 100% to about 400% by weight of the substrate.

The Examiner asserted that Pregozen is only deficient in providing a teaching using an essentially planar background surface to form the substrate as presently claimed, and the Examiner relied on the process of Suehr et al to resolve Pregozen's deficiency. However, Applicants find no teaching, suggestion or motivation for combining any of the teachings of Pregozen with that of Suehr et al. Specifically, Pregozen is directed to compositions for impregnating nonwoven wipes, and only broadly refers to water entanglement. On the other hand, Suehr et al are directed to tricot nonwoven fabric. Applicants find no teaching or suggestion by Suehr et al relating to wipes or relating to coating or impregnating their tricot fabric with any type of cleansing composition.

Thus, Applicants find no motivation, and the Examiner has not cited any such motivation, for one of ordinary skill in the art to combine Suehr et al with Pregozen. As noted above, the Examiner cannot pick and choose among individual elements of assorted prior art references to recreate the claimed invention. As any motivation to combine such references is lacking, the rejection under 35 U.S.C. § 103 is improper. *Smithkline Diagnostics, Inc. v. Helena Laboratories Corp., supra*.

It is therefore submitted that the process for preparing personal cleansing wipe articles as defined by claim 13 is non-obvious over and patentably distinguishable from Pregozen in view of Suehr et al, whereby the rejection under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. §§ 102, 103, and 112, second paragraph, placing the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1, 5, 11, 12 and 14 have been amended as follows:

1. (Amended) A personal cleansing wipe article having superior softness, feel and cleansing properties, which wipe article comprises:

A. a single layer, nonwoven substrate formed from hydroentangled fibers, said substrate having on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein the raised fibrous regions have a density which is substantially the same as the density of the base surface, and wherein said raised fibrous regions are joined to said base surface by a fibrous transition region[.]; and

B. an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant, said aqueous liquid cleansing composition being coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate.

5. (Amended) A personal cleansing wipe article according to Claim 1 which has an average basis weight ranging from about 40 to about [900] 90 grams per square meter and a caliper ranging from about 0.3 to about 1.05 millimeters.

11. (Amended) A personal cleansing wipe article having superior softness, feel and cleansing properties, which wipe article comprises:

A. a single layer, nonembossed, nonwoven substrate formed from hydroentangled fibers, said substrate having on a substantial portion of a base surface thereof a three-dimensional

pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein said raised fibrous regions are joined to said base surface by a fibrous transition region[.]; and

B. an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant, said aqueous liquid cleansing composition being coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate.

12. (Amended) A personal cleansing wipe article having superior softness, feel and cleansing properties, which wipe article comprises:

A. a single layer, nonwoven substrate formed from hydroentangled fibers, said substrate having on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein said raised fibrous regions are joined to said base surface by a fibrous transition region[.]; and

B. an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant, said aqueous liquid cleansing composition being coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate; wherein said three-dimensional pattern is formed as the fibers are being entangled.

14. (Amended) A personal cleansing wipe article having reduced stickiness impression, which wipe article comprises:

A. a nonwoven substrate; and

B. an aqueous liquid cleansing composition comprising:

1. from about 0.5% to about 12.5% by weight of a cleansing surfactant;

2. from about 0.1% to about 30% of a lipophilic skin moisturizing agent; and

3. from about 1% to about 60% of a drying agent which comprises
[isoparafin] isoparaffin;

wherein said aqueous liquid cleansing composition is coated onto or impregnated into
said substrate to the extent of from about 100% to about 400% by weight of the substrate.

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